

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

W. GREG VOGEL,

Plaintiff,

v.

CITY OF VIRGINIA BEACH,

Defendant.

Case No. 2:18cv361

MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
ON BEHALF OF DEFENDANT CITY OF VIRGINIA BEACH

COMES NOW the Defendant, City of Virginia Beach (“City”), by counsel, and hereby files its Motion to Dismiss the Plaintiff’s, W. Greg Vogel’s (“Vogel”), claims against it pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure on the grounds that this Court lacks subject matter jurisdiction over the allegations being made in Vogel’s Complaint. The reasons and legal authorities supporting this Motion are more specifically set forth in the accompanying Memorandum of Law.

WHEREFORE, the City respectfully moves this Court to enter an Order granting this Motion and dismiss Vogel’s Complaint against the City, and for all such other and further relief as the Court deems appropriate.

Respectfully Submitted,

CITY OF VIRGINIA BEACH

By: _____/s/_____
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of July, 2018, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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